

**REMARKS**

The indication of allowable subject matter in claims 3 and 14 is acknowledged and appreciated. In view of the following remarks, it is respectfully submitted that all claims are in condition for allowance.

As a preliminary matter, it is noted that the Examiner has not provided an initialed copy of the Information Disclosure Statement filed on September 27, 2004 (as the Office Action was mailed September 30, 2004, it is likely that the Examiner had not yet received the IDS at the time she completed the Office Action). A copy of the IDS and stamped-post card showing receipt by the PTO is attached hereto for the Examiner's reference. It is respectfully requested that the Examiner provide Applicants an initialed copy of the IDS indicating that each of the prior art references cited therein have been considered and made of record.

Claims 1 and 13 are the sole rejected independent claims and stand rejected under 35 U.S.C. § 103 as being unpatentable over Asami '100 ("Asami") in view of Dreifus '621 ("Dreifus"). This rejection is respectfully traversed for at least the following reasons.

Applicants' representative initiated a telephone interview with Examiner Koyama in order to help expedite prosecution. The Examiner's broad interpretation of "halting operations of said CPU" described on page 8 of the outstanding Office Action is noted. Accordingly, in order to clarify the distinction between the present invention and cited prior art, a specific process that can be halted is defined in each of the independent claims whereby the CPU and/or other circuitry are otherwise free to operate in other ways if needed/desired. During the interview, the Examiner agreed that the claims as amended distinguish over the aforementioned broad interpretation of "halting operations of said CPU" and *tentatively* agreed that the amended claims appear to overcome the pending rejection. The Examiner indicated that an updated prior

art search and review of cited prior art of record would need to be conducted before a final determination of patentability can be made. Applicants and Applicants' representative would like to thank Examiner Koyama for her courtesy in conducting the interview and for her assistance in resolving issues.

Claim 1 recites in pertinent part, "state control means for halting the write/read processing on said buffer memory and said nonvolatile memory of said CPU while said transmission circuit is sending/receiving data to/from the outside" (emphasis added)(claim 13 is submitted to be patentable for at least reasons similar to those that will be discussed below with respect to claim 1). That is, the write/read processing on the buffer memory and the nonvolatile memory of said CPU can be halted while the transmission circuit is sending/receiving data to/from the outside because, in one exemplary embodiment, a state control means can halt such operations of the CPU.

Turning to the device of Asami, while data is received from host system apparatus 2 by the Trans/Receipt antenna unit 3, the alleged control circuit 8 temporarily stores the data at buffer 10 (*see* col. 5, lines 1-9). Accordingly, the alleged control circuit 8 does not halt write/read processing on the alleged buffer memory while data is transmitted to the Trans/Receipt antenna unit 3. Instead, Asami expressly teaches away from a "state control means for halting the write/read processing on said buffer memory and said nonvolatile memory of said CPU while said transmission circuit is sending/receiving data to/from the outside."

Dreifus, on the other hand, discloses only a DMA circuit that is connected to the RAM. Dreifus is completely silent as to a "state control means for halting the write/read processing on said buffer memory and said nonvolatile memory of said CPU while said transmission circuit is sending/receiving data to/from the outside." Indeed, the Examiner does not rely on Dreifus for

such a feature and instead relies exclusively on Asami for allegedly disclosing the halting of operations.

In view of the foregoing, it is respectfully submitted that neither Asami nor Dreifus, alone or in combination, disclose or suggest "halting the write/read processing on said buffer memory and said nonvolatile memory of said CPU while said transmission circuit is sending/receiving data to/from the outside" as recited in claim 1 (similarly in claim 13). The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 1 and 13 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

**CONCLUSION**

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY, LLP.

  
Ramyar M. Farid  
Registration No. 46,692

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 RMF:mcm  
Facsimile: (202) 756-8087  
**Date: December 27, 2004**